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July 24, 2006

By Express Mail (EV798157185US)

BOX TTAB FEE
Commissioner for Trademarks
P.O Box 1451
Alexandria, VA 22313-1451

Attention: Trademark Trial and Appeal Board

Re: Athletics Investment Group, LLC d/b/a The Oakland Athletics
Baseball Company
Notice of Opposition Against
Asheville Tourists Baseball, Inc.'s
Application to Register A and Design
Attorney Ref. No. 21307.034

Dear Commissioner:

We enclose an original Notice of Opposition against Application Serial Number 78/620,096, published in the Official Gazette of January 24, 2006. We also enclose a check to cover filing fees.

If the enclosed check is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

07-24-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

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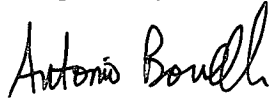
Commissioner for Trademarks

July 24, 2006

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Kindly confirm receipt of this opposition by returning the attached postcard and address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,



Antonio Borrelli

Enclosures

cc: Ms. Diane Kovach (w/encs. – by fax)
Mary L. Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 78/620,096
Filed: April 29, 2005
For Mark: A and Design
Published in the Official Gazette: January 24, 2006

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ATHLETICS INVESTMENT GROUP, LLC
d/b/a THE OAKLAND ATHLETICS
BASEBALL COMPANY,

Opposer,

v.

ASHEVILLE TOURISTS BASEBALL, INC.,

Applicant.

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NOTICE OF OPPOSITION

Opposition No.

Commissioner of Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company ("Opposer"), a California limited liability company located at 7000 Coliseum Way, Second Floor, Oakland, California 94621, believes that it will be damaged by registration of the mark A and Design in International Class 25 for "clothing, namely, athletic uniforms, bandanas, boxer shorts, caps, cloth baby bibs, coats, golf shirts, gym shorts, gym suits, hats, jackets, jerseys, jogging suits, knit shirts, pajamas, polo shirts, ponchos, pullovers, rain coats,

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P. O. Box 1451, Alexandria, VA 22313-1451 on

7/24/06

(Date of Deposit)

Deborah A. O'Hara

(Typed or printed name of
person mailing paper or fee)

Deborah A. O'Hara


(Signature)

rainwear, sweaters, sweat pants, sweat shirts, sweat suits, socks, sport shirts, t- shirts, tank tops, ties, visors, wind resistant jackets and wristbands” as shown in Application Serial No. 78/620,096 (the “Application”) and having been granted extensions of time to oppose up to July 23, 2006, hereby opposes same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned OAKLAND ATHLETICS MAJOR LEAGUE BASEBALL club (the “Club”).

2. Since long prior to February, 2005, Applicant’s claimed first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors, have

used A marks, including but not limited to A’S and A as shown here:  , either alone or with other word and/or design elements (“Opposer’s A Marks”), in connection with baseball game and exhibition services and a wide variety of goods and services, including, but not limited to apparel, paper goods and printed matter and novelties.

3. Opposer owns U.S. federal registrations and applications for Opposer’s A Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 28 and 41; namely, Application Serial Nos. 78/743,060 and 78/743,062 and Registration Nos. 2,759,932, 2,573,396, 2,630,348, 2,417,758, 1,523,854, 1,560,962, 1,570,831, 1,530,675, 1,267,861, 1,257,146, 1,263,825, 1,267,687 and 1,234,697 for said trademarks and service marks. Opposer’s Registration Nos. 1,523,854, 1,560,962, 1,570,831, 1,530,675, 1,267,861, 1,257,146, 1,263,825, 1,267,687 and 1,234,697 are incontestable.

4. Since long prior to February, 2005, Applicant's claimed first use date, Opposer, its predecessors, their affiliated and related entities, licensees and/or sponsors, have extensively promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's A Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services including without limitation, apparel, paper goods and printed matter and novelties and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with Opposer's A Marks, Opposer has built up highly valuable goodwill in Opposer's A Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On April 29, 2005, Applicant filed the Application, claiming first use of



February, 2005, to register the mark A and Design as shown here: for

"clothing, namely, athletic uniforms, bandanas, boxer shorts, caps, cloth baby bibs, coats, golf shirts, gym shorts, gym suits, hats, jackets, jerseys, jogging suits, knit shirts, pajamas, polo shirts, ponchos, pullovers, rain coats, rainwear, sweaters, sweat pants, sweat shirts, sweat suits, socks, sport shirts, t- shirts, tank tops, ties, visors, wind resistant jackets and wristbands" in International Class 25.

7. Upon information and belief, Applicant did not use Applicant's A and Design mark prior to its claimed first use date of February, 2005.

8. The goods covered by the Application are identical and/or closely related to goods offered and services rendered in connection with Opposer's A Marks.

9. Applicant's A and Design mark, featuring a prominent stylized A, so resembles Opposer's A Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's A and Design mark.

10. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant's A and Design mark would falsely suggest a connection between Applicant and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's A and Design mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel, and Antonio Borrelli (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
July 24, 2006

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: Antonio Borrelli

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